

Exhibit 1

to

Defendants Soliman H.S. Al-Buthi and Perouz Sedaghaty's
Response to Declaration of Michael Elsner

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

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3 IN RE: TERRORIST ATTACKS ON
3 SEPTEMBER 11, 2001 03 MDL 1570 (RCC)

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4 -----x

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5 May 12, 2004
6 2:20 p.m.

6

7 Before:

7

8 HON. RICHARD CONWAY CASEY

8

9 District Judge

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10 APPEARANCES

10

11 MOTLEY RICE, LLC

11 Attorneys for Plaintiff

12 BY: RONALD L. MOTLEY

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21 Southern District of New York

21 BY: SARAH S. NORMAND

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1 MS. BIERSTEIN: Your Honor, if I could just clarify
2 one thing. Ms. Bernabei has referred to the office for the
3 charity, and your Honor has questioned about whether mailing an
4 additional copy there might not wind this up. I believe that
5 office has been closed by the United States government. That's
6 my understanding.

7 THE COURT: Is that so?

8 MS. BERNABEI: No, that is not correct. That is still
9 the address of the charity.

10 THE COURT: Ma'am, does that office exist today?

11 MS. BERNABEI: Yes, the assets have been frozen, but
12 the office still exists today.

13 THE COURT: In their name?

14 MS. BERNABEI: Yes.

15 THE COURT: There you have it, Ms. Bierstein.

16 MS. BIERSTEIN: As another point of clarification,
17 that address had not been provided publicly anywhere that I'm
18 aware of. If that's Mr. Al-Buthi's address, the office of the
19 charity, it's not the address that was provided for him on the
20 form 990 to the federal government, nor on the papers for the
21 Oregon Secretary of State.

22 For some reason in advising the government where this
23 charity is located and where Mr. Al-Buhti could be located,
24 these individuals chose to identify 1257 Siskiyou Boulevard and
25 not this office that Miss Bernabei has referred to. And again

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1 in terms of what was reasonably calculated to apprise them
2 after discussions with the defendants' lawyers, what the
3 plaintiffs did is go to their most recently filed public
4 documents of the charity. We went to the most recent tax
5 return they failed. We looked at the address they put on their
6 tax return, and that's the address that we served them at.
7 Miss Bernabei now says, well, that's not the right address,
8 they really had another office. Well, they didn't tell the
9 government that.

10 THE COURT: I need to use this ask signal, time out
11 it's called.

12 Ma'am, is that correct, your client doesn't list this
13 address?

14 MS. BERNABEI: I believe the address that's listed
15 with the federal government is an official address, but there
16 is an office address that is different from that. I just might
17 say --

18 THE COURT: And they don't list that with either the
19 State of Oregon or with the federal government?

20 MS. BERNABEI: I would have to check, but --

21 THE COURT: Ma'am, do you prepare their returns for
22 their office?

23 MS. BERNABEI: Excuse me?

24 THE COURT: I think you know that, don't you, ma'am?

25 MS. BERNABEI: Your Honor, I believe there is a very
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1 small difference in the address, but the plaintiffs have had
2 extensive discovery already.
3 THE COURT: Ma'am, don't blow smoke at me. When I ask
4 a question, I expect a simple, direct and truthful answer.
5 MS. BERNABEI: I understand.
6 THE COURT: Is that address listed?
7 MS. BERNABEI: For the IRS?
8 THE COURT: Yes.
9 MS. BERNABEI: I believe it is a different address,
10 but it is substantially the same cluster of buildings.
11 THE COURT: What does "substantially" mean, ma'am? I
12 don't know what you're saying.
13 MS. BERNABEI: Mr. Satagati's home is part of a
14 two-story building which is a different address than Al
15 Haramain, but it is in the same building with a different
16 address.
17 THE COURT: Is that address listed with the
18 government?
19 MS. BERNABEI: I am sure it is, yes.
20 THE COURT: Why don't you tell us on the record
21 precisely all the addresses.
22 MS. BERNABEI: I don't have them right here, your
23 Honor, but I can provide them to you. Plaintiffs also have --
24 THE COURT: You don't know them?
25 MS. BERNABEI: The plaintiffs have all the addresses.
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